REMARKS

Applicants have amended claim 1 to recite hardware elements, specifically, a data processing unit and a storage device, as supported throughout the specifications and drawings, at least, for example, at pages 31-32 and Figs. 1 and 25. Applicants have also amended claims 45-47, 49, 53, 54, 60, 62, 65, 70, 78 and 79 to recite "a computer usable storage medium having stored therein a computer program" or "a computer-readable medium having stored therein a computer program," as suggested by the Examiner. Applicants respectfully submit that no new matter has been added.

Claim Rejections

Claims 1-5, 7, 11-32, 35-37, 45, 53-59, 72-74 and 78

Claims 1-5, 7, 11-32, 35-37, 45, 53-59, 72-74 and 78 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, with regard to claims 1-5, 7, 11-32 and 35-37, the Examiner alleges that the claims are directed to only software modules and do not recite hardware.

Applicants submit that amended claim 1 recites hardware elements, specifically, a data processing unit and a storage device, and that claim 3 recites an information storing unit and a condition detecting unit, and therefore recites hardware elements.

Accordingly, since amended claim 1 and claim 3 recite hardware elements, the claims do not recite software *per se* as alleged by the Examiner. Claims 2, 4, 5, 7, 11-32 and 35-37 depend from one of claims 1 and 3 and incorporate the limitations of claims 1 and 3 by virtue of their

dependence. Therefore, the dependent claims also recite hardware and therefore do not recite software *per se*.

Further, the Examiner alleges that the claims do not produce concrete, useful and tangible results. Applicants respectfully submit that the invention as a whole produces the "useful, concrete and tangible result" of ***detecting logically mismatched links*** in web pages. Since links provide communication pathways for a user to obtain desired information, detecting a logically mismatched link provides the tangible result of identifying an incorrect path which prevents the user from obtaining the desired information. Thus, detecting a mismatched link is not merely a thought, computation or manipulated data, as alleged by the Examiner.

As in *State St. Bank*, in which the Federal Circuit held that generating a final share price constitutes "a useful, concrete and tangible result," *State St. Bank & Trust Co. v. Signature Fin. Group*, 149 F.3d 1368, 1373 (Fed. Cir. 1998), the detection by exemplary embodiments of Applicants' invention of logically mismatched links which identify incorrect communication pathways constitutes a useful, concrete and tangible result.

With regard to claim 45, Applicants have amended the claim to recite "A computer usable storage medium having stored therein a computer program." Applicants submit that claim 45 and its dependent claims 53-59, 72-74 and 78, provide useful, concrete and tangible results as set forth in the arguments above.

Accordingly, Applicants respectfully request that the § 101 rejection of these claims be withdrawn.

__Claims 1-5, 7, 11, 12, 18, 20, 28, 36, 37, 45-47, 49, 53, 54, 60, 62, 65, 70, 78 and 79__

Claims 1-5, 7, 11, 12, 18, 20, 28, 36, 37, 45-47, 49, 53, 54, 60, 62, 65, 70, 78 and 79 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Pat. Pub. No. 2002/0133514 to Bates *et al.* ("Bates"). Applicants traverse this rejection.

Bates does not disclose or suggest at least detecting a logically mismatched link, as set forth in the claims. As disclosed by Bates, the invention determines the context of terms in a document in a predetermined vicinity around a hypertext link contained in the document (paragraph [0023]). Bates then checks the webpage specified by the link to determine if the webpage contains contents related to the context of the document and makes a determination as to whether the author of the document specified the correct link (paragraph [0023]).

In other words, Bates uses the context of a document which contains a link to make a determination as to whether the contents of the webpage specified by the link relate to the document. Thus, while the link directs the user to the correct web page, i.e., it is not logically mismatched, the contents of the webpage may not match to the context of the document due to an improperly specified link. Accordingly, Bates does not detect a logically mismatched link, but rather detects a link that was incorrectly specified by the author of the document by determining the similarities between a character string around an anchor and the linked page.

In view of the above, claims 1, 3, 45 and 46 are patentable over Bates. Claims 2, 4, 5, 7, 11, 12, 18, 20, 28, 36, 37, 47, 49, 53, 54, 60, 62, 65, 70, 78 and 79, which depend from one of claims 1, 3, 45 and 46, are patentable at least by virtue of their dependence.

Claims 14, 23 and 56

Claims 14, 23 and 56 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bates, in view of U.S. Pat. Pub. No. 2002/0065720 to Carswell *et al.* ("Carswell"). Applicants traverse this rejection.

The Examiner concedes that Bates fails to expressly disclose detecting a link having a mismatch between the hypertext appearing on a source webpage and a target webpage having expired content, as set forth in the claims. The Examiner relies on Carswell to allegedly provide such teaching.

Carswell, however, does not cure the deficiencies of Bates. Carswell discloses that "*[p]eriodic contact* takes place over the network or other link between the coupon issuing server 12 and the recipe website server 50 *to provide new data and promotion symbols and remove those symbols* representing expired promotions" (paragraph [0100]). Thus, Carswell does not detect a link having a mismatch between the hypertext appearing on a source webpage and a target webpage having expired content, but provides new data and promotion symbols for expired promotions. In other words, Carswell does not address *detecting logically mismatched links* to target webpages having expired content, but merely *provides periodic updates* to the contents of known webpages.

Therefore, since the combined references fail to disclose all the claimed elements, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references as attempted by the Examiner. Thus, claims 14, 23 and 56 are patentable over the combination of Bates and Carswell.

Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 38-41 are allowed.

Applicants also thank the Examiner for the indication that claims 13, 15-17, 19, 21, 22, 24-27, 29-32, 35, 55, 57-59, 61, 63, 64, 66-69, 71-74 and 77 contain allowable subject matter and would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants respectfully submit that claims 13, 15-17, 19, 21, 22, 24-27, 29-32, 35, 55, 57-59, 61, 63, 64, 66-69, 71-74 and 77, which depend from one of patentable claims 3, 45 and 46, are patentable at least by virtue of their dependence.
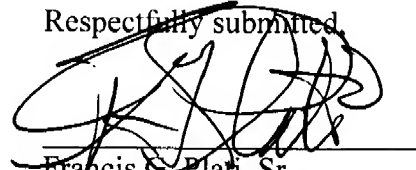
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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Date: October 15, 2007